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## PUNISHING THE INNOCENT

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Some time ago while waiting in the Providence district court for the trial of a man in whom I had a personal interest, a number of cases were disposed of with startling rapidity. Automobile speeder followed brawler, and thief followed the man sued by his wife for non-support. It was an interesting array of cases representing every stratum of society and every degree of intelligence and honesty. Fines and costs were imposed frequently, some paying the penalty in dollars and cents, while others, failing to produce the necessary amount demanded by the court, were led away into the lower section of the building where they were to await the help of a friend, or a jail term. It seemed unjust that the thief or automobile speeder should be allowed to go, while the poor men or women guilty of the same offenses, but financially unable to meet the penalty imposed by the court, should be imprisoned.

This incident led to an extensive investigation into the methods of dealing with offenders in the state, and the adequacy of the present system. Upon examination of the books of the Sixth District Court in Providence, it was found that during a period of three months, out of a total of 293 cases of male offenders upon whom fines were imposed, 79, or 26.9 per cent, were unable to pay their fines and were sent to prison. In the case of the women, out of forty-six cases, only seven were unable to pay their fines and were sent to prison. It seemed clear from the figures that, while there was no distinction in law between the rich and the poor, the actual enforcement of certain of its provisions placed the offenders financially unable to satisfy the demands of justice in a class by themselves and at a decided disadvantage. Later inquiry showed that the rate at which a person fined was able to work off such a fine in prison was twenty-five cents per day for the first five weeks, and fifty cents per day thereafter. At the suggestion of the writer, a bill increasing the amount to a dollar per day for the first five weeks, and two dol-

lars thereafter, was introduced, and it was enacted into law after the amounts were changed to fifty cents and one dollar, respectively.

After these facts had been ascertained, two important questions arose: first, what means are provided for the prisoners working off fines to produce commodities valued at the amount necessary for their support, plus the amount necessary to cover the fine; and, second, during confinement, what becomes of the obligations which some of the prisoners have towards their families.

The problem of providing adequate employment we cannot deal with in this article. Sufficient to say that the total earnings of a prisoner working a full day and under strict supervision, were, at the time of the investigation, about thirty-five cents per day. Out of this amount, all the expenditures for food, guards, heating power, etc., had to be met. The Sterling Manufacturing Company, which in some way secured a five-year contract from the state, was paying for the labor of each prisoner at the above stated rate. The care of the families during the confinement of the chief wage-earner was the subject of further investigation which took considerable time and much tact to carry out.

With the permission of the man who was then warden of the prison, all the prisoners in the state prison and county jail were interviewed, individually and privately, with a view to determine the former occupation of the prisoners, their age, place of birth, present work, offense and the number of persons dependent upon them. For the purpose of this paper, we have separated in the records of the prison and county jail those who have been convicted for serious offenses and have been sentenced for more than two years, from minor offenders serving sentences of two years or less.

In all, there were 188 male inmates in the county jail and state prison who were serving minor sentences and were working off their fines and costs. Of this number, only eleven refused to give any information, and in seven cases the information was found unreliable upon further investigation. In three additional cases prisoners were unwilling to give their home addresses, although they stated that they had families dependent upon them. If we exclude the cases in which incomplete or inaccurate information was given, we still have 167 men, 43, or 23.9 per cent, of whom had at least one or more persons dependent upon them.

A further analysis of the records showed that in 36 cases the dependents were wives and children, and in 8 cases, an old and help-

less father or mother was dependent upon the earnings of the prisoner. The total number of persons dependent upon the 43 prisoners were distributed as follows: 36 wives, 8 mothers and fathers, and 65 children under fifteen years of age. The children of fifteen years or over were not counted.

As we secured the addresses of all the families dependent upon prisoners considered in the preparation of the above figures, it was possible to locate these families in their homes, and to look up their records in the charitable agencies in Providence and Pawtucket. These agencies were the charity organization societies of Providence and Pawtucket, and the overseer of the poor of Providence. Whether there were prisoners' families, other than those whose records were examined, who were dependent partially or entirely upon charity, I am not prepared to say. Both Providence and Pawtucket have many benevolent societies which keep no records and do little investigation before giving aid.

The results of our inquiry into the records of charitable agencies were as follows:

Families of prisoners aided by charity organization societies....	9
Families aided by overseer of the poor in Providence.....	11
Families aided by both agencies.....	6
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Total number of families aided.....	26
Total families of prisoners.....	43
Total families not aided.....	17

These figures are extremely significant, not because they represent a degree of destitution among families of prisoners that is far above the normal, but because of the conditions under which the prisoners were made to produce marketable goods in the form of shirts. These were being paid for by private contractors at a rate constituting financial loss to the state and making impossible any compensation to the prisoner beyond his maintenance.

When we consider that the total number of dependents whose cases were investigated and found to be as stated by the prisoners numbered 109 persons, and that the membership of the families aided by charitable agencies aggregated 83 persons, we find ourselves face to face with a problem of family maintenance that even the antiquated and individualistic methods of our petty courts should take cognizance of.

The making of shirts of a very cheap quality, the industry in which most of the prisoners in the Rhode Island State Prison and Providence County Jail are employed, is one of the lowest paid occupations known. Men are seldom, if ever, employed in such an industry, and the product is sold in the open market in competition with a similar product made by free women labor. To compel men to compete with free women labor is of itself an injustice, but to use skilled, or even unskilled, men whom we pretend to reform and prepare for a more useful life after sentence has been served, in an industry in which men cannot find profitable employment, and to deprive them of the opportunity to work at their own trades, when they have them, or to learn a trade while in prison, is wholly inconsistent with justice and defeats the very purpose of the prison. Sixty-five per cent of 167 prisoners working on shirts were skilled mechanics, capable of earning from \$2.50 to \$5.00 per day. When this injustice is further made socially offensive by depriving the families of prisoners of the support of the wage-earners by offering no opportunity for assisting them while in confinement, it is clear that some revolutionary change in the prison system is necessary. A few states have already taken steps to care for the families of prisoners, and others are considering such measures. Whatever is done, however, the fact must be borne in mind that it should be through the prisoner and his legitimate earning alone, and not through the benevolence of private organizations or state charitable funds. The family allegiance of the prisoner is the most important asset upon which he must count at the end of his term, and unless we keep before both the family and the prisoner, throughout the term of imprisonment, their mutual responsibilities, we shall be losing an important and most helpful reformatory force.

In order to establish clearly the extent of the recognition given by law to the right of the family to support on the part of the husband and father, we made a careful analysis of the status of sixteen cases of non-support which had been settled by the district courts by imposing a prison sentence. Upon these men, sixty-two children and sixteen mothers were dependent. None of the men was over forty-one years of age, and they were all serving sentences of from six to nine months. These men were not even given the privilege to work on the shirt contract, but were employed in irregular and unskilled work about the house of correction. There

is no means provided whereby any earnings could be secured for the family during confinement.

The result of this "system" of reforming non-supporting husbands was well expressed in a letter sent by one of the men to his wife, in which he said: "I get three square meals a day and a warm place to sleep. What do you get?" Few of the men serve their full sentences, because the wives withdraw their charges when they find that they are not benefited by the process of law, and nothing beyond an inefficient probationary system is provided to take the place of the jail sentence. Neither of these is effective.

Some slight changes are now taking place in the administration of the Rhode Island prison system, and a "Commission on the Revision of the Criminal Code" has threatened at various legislative sessions to make its report. Nothing, so far, has in any way touched, in a fundamental way, the problem of training the prisoners or the reasonable support of their families. There are other states in the same conditions as Rhode Island, but here and there an awakening has taken place which has injected a social element into the administration of justice, and the prisons are beginning to be recognized as places where reform and not industry should be the slogan, and where a man is to be fitted rather than unfitted for the daily necessity of earning a living.